

Law

IMPLEMENTATION OF DEPARTMENT OF DEFENSE LAW OF ARMED CONFLICT PROGRAM

This instruction implements the Department of Defense (DOD) Law of War Program within United States Transportation Command (USTRANSCOM), its Transportation Component Commands (TCCs), and Direct Reporting Units (DRUs). This instruction implements DOD Directive (DODD) 5100.77, *DOD Law of War Program*, and Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 5810.01, *Implementation of the DOD Law of War Program*. This instruction applies to all personnel, active duty, Guard, and Reserve, assigned to USTRANSCOM, its TCCs and DRUs. The provisions of this instruction are applicable in peacetime and wartime, and apply to all military operations and related activities in armed conflict, however such conflicts are characterized.

1. References, Abbreviations, Acronyms, and Terms. References, related publications, abbreviations, acronyms, and terms used in this instruction are listed in Attachment 1.

2. Policies:

2.1. The law of armed conflict (LOAC) and the obligations of the U.S. Government under that law are observed and enforced by all USTRANSCOM personnel.

2.1.1. The LOAC is that part of international law which regulates the conduct of armed hostilities, either in international treaties and agreements to which the U.S. is a party, or applicable as customary international law, which are binding on the U.S., its individual citizens, or other persons serving with or accompanying the U.S. armed forces.

2.1.2. The terms “law of war” and “law of armed conflict” are considered interchangeable.

2.2. Alleged LOAC violations, whether committed by or against U.S. or enemy personnel, are promptly reported, thoroughly investigated and, when appropriate, remedied by corrective action.

2.3. LOAC violations alleged to have been committed by or against allied military or civilian personnel or against their property are reported through appropriate command channels to USTRANSCOM for ultimate transmission to appropriate agencies of allied governments.

3. Responsibilities:

3.1. Annual LOAC training will be provided to military personnel assigned to USTRANSCOM.

3.1.1. The Office of Chief Counsel (TCJA) or component legal adviser will provide LOAC training which will focus, to the maximum extent possible, on the particular needs of the command or directorate and be commensurate with duties and responsibilities of assigned personnel. The Joint Transportation Reserve Unit (JTRU) legal advisor will provide training for JTRU.

3.1.2. Whenever possible, LOAC training should be integrated with realistic exercises or field training.

3.1.3. USTRANSCOM and its DRUs will maintain a record of the annual training provided to personnel pursuant to this instruction. Component and DRU commanders will develop their own programs.

3.1.4. Training of civilian personnel is within the discretion of the commander or directorate concerned.

3.2. USTRANSCOM Commanders, Directors, and Chiefs of Direct Reporting Elements (DREs) will obtain legal review and guidance with respect to plans, policies, directives, and rules of engagement covered by this instruction, as well as in the preparation of reports and investigations pertaining to alleged LOAC violations.

3.2.1. TCJA or the appropriate component legal advisers will review all operational plans, concept plans, execute orders, deployment orders, policies and directives, and rules of engagement issued by or applicable to the command to ensure that they comport with applicable references to the LOAC and to domestic and international law.

3.2.2. Command legal advisers will be notified of planning and operations-related conferences for military operations and exercises for attendance as appropriate.

3.2.3. Mobilization planning should include sufficient numbers of legal advisers to support the USTRANSCOM and component missions.

3.3. All USTRANSCOM personnel must report alleged LOAC violations.

3.3.1. The requirement in paragraph 3.3. to promptly report alleged LOAC violations is a general order applicable to all military members without further implementation; violations may result in prosecution under the Uniform Code of Military Justice.

3.3.2. Reports should be submitted through the chain of command whenever possible. Individuals may submit initial reports to the Inspector General (TCIG), TCJA, or any superior officer. TCJA must be advised of any alleged LOAC violation reports received by individuals or units. TCJA will advise other appropriate officials.

4. Reporting and Investigating LOAC Violations:

4.1. Alleged Violations Committed By or Against U.S. Personnel:

4.1.1. USTRANSCOM commanders will promptly report, investigate, collect, collate, examine, evaluate, and record, to the extent operations permit, the evidence concerning alleged LOAC violations committed by or against members of, or persons serving with or accompanying, the U.S. armed forces or against their property.

4.1.2. TCIG will perform these functions for USTRANSCOM at Scott AFB and will have oversight responsibility for these requirements for the TCCs and DRUs.

4.1.3. Initial and completed reports of investigation will be submitted by most expeditious means through normal command channels to the military department(s) concerned, with information copies to TCIG and TCJA.

4.1.4. TCC commanders will keep USTRANSCOM informed, through TCIG and TCJA, as to the status and disposition of any actions taken with regard to alleged LOAC violations.

4.1.5. TCJA provide an information copy of all reports involving USTRANSCOM, TCC, and DRU personnel to the Office of the Joint Chiefs of Staff, Inspector General.

4.2. Alleged Violations Committed By or Against Allied Military or Civilian Personnel:

4.2.1. As appropriate, USTRANSCOM commanders will ensure that alleged LOAC violations which may have been committed by or against allied military or civilian personnel are immediately investigated to preserve evidence and determine whether U.S. personnel are involved.

4.2.2. If U.S. personnel are involved, this conclusion also will be reported, but no additional U.S. investigation will be initiated without direction by USCINCTrans or the appropriate geographic Commander in Chief.

4.2.3. Cooperation with appropriate authorities will be provided in the investigation of alleged LOAC violations.

5. USTRANSCOM Points of Contact. TCIG is the designated USTRANSCOM primary point of contact concerning an allegation that the LOAC has been violated. TCJA is the designated USTRANSCOM point of contact as to those aspects of the LOAC program concerning the disposition of alleged violations once an investigation is completed.

SIGNED
ROGER G. THOMPSON, JR.
Lieutenant General, U.S. Army
Deputy Commander in Chief

1 Attachment

Glossary of References, Abbreviations, Acronyms, and Terms

DISTRIBUTION: X (GPMRC, JTRU, TCCC-E, TCCC-P, TCCC-X, TCDC-E, TCDC-F, TCIG, TCJA, TCPA, TCRC, TCSG, TCJ1-I, TCJ8, Director, Joint Staff (Attn: OCJCS/LC), Room 2E841 Pentagon, Washington, D.C. 20318-9999 - 2 each; AMC/JA; Commander, Defense Courier Service, Bldg P-830, Chisholm Avenue, Ft. George G. Meade, MD 20755-5370, Commander, Military Sealift Command, N2, Washington Navy Yard, Bldg 210, 901 M Street SE, Washington, D.C. 20398-5540; Commander, Military Traffic Management Command (MTJA), Room 405, 5611 Columbia Pike, Falls Church, VA 22041-5050; TCJ2 - 3 each; TCJ5 - 4 each; JTCC, TCDC-JS, TCJ1, TCJ6 - 5 each, TCJ3/4 - 13).

GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS

Section A—References

DOD Directive 5100.77, *DOD Law of War Program*

CJCS Instruction 5810.01, *Implementation of the DOD Law of War Program*

Department of the Army Field Manual (FM) 27-10, *The Law of Land Warfare*

Secretary of the Navy 3300.1A, *Law of Armed Conflict (Law of War) Program to Compliance by the Naval Establishment*

MCO 3300.3, *Marine Corps Law of War Program*

Air Force Pamphlet (AFP) 51-4, *Compliance with the Law of Armed Conflict*

Section B—Abbreviations and Acronyms

DRE - Direct Reporting Element

DRU - Direct Reporting Unit

LOAC - Law of Armed Conflict

TCCs - Transportation Component Commands

TCIG - Inspector General

TCJA - Office of Chief Counsel

USTRANSCOM - United States Transportation Command

Section C - Terms

Not used.